

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS, INC.,</b>	)	
	)	
	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF *ePLUS* INC.'S SECOND REVISED PROPOSED VERDICT FORM**

Plaintiff *ePlus*, Inc., (“*ePlus*”) hereby provides the attached Second Revised Proposed Verdict Form for the trial in the above-captioned matter. *ePlus* reserves its right to amend, supplement, or modify this proposed verdict form as the case continues to proceed through trial and based upon conferences with opposing counsel. *ePlus* does not concede, by submitting the proposed verdict form, that Defendant has met its evidentiary burdens with respect to any of the issues to which the proposed form pertains. Neither does *ePlus* waive any objections relating to issues that are or have been the subject of pending motions, including motions *in limine*. Finally, *ePlus* does not, by omitting a proposed verdict question with respect to damages, waive its objections pertaining to the Court’s rulings excluding damages issues from the trial of this action.

**VERDICT**

We, the jury, find as follows:

**I. INFRINGEMENT**

Do you find that *ePlus* has proven that it is more likely than not that the following accused configurations of the S3 Procurement System have infringed the listed claims of the *ePlus* patents, either directly or indirectly? **(As to each claim, a “YES” answer is a finding for *ePlus*. A “NO” answer is a finding for Lawson.)**

Configuration No. 1: Core S3 Procurement System (Lawson System Foundation (“LSF”)/Process Flow, with at least Inventory Control, Requisition, and Purchase Order Modules)

’516 Patent, claim 1:    YES \_\_\_\_\_    NO \_\_\_\_\_

’516 Patent, claim 6:    YES \_\_\_\_\_    NO \_\_\_\_\_

Configuration No. 2: Core S3 Procurement System (Lawson System Foundation (“LSF”)/Process Flow, with at least Inventory Control, Requisition, and Purchase Order Modules) with Requisition Self-Service or “RSS”

’683 Patent, claim 3:    YES \_\_\_\_\_    NO \_\_\_\_\_

’683 Patent, claim 28:    YES \_\_\_\_\_    NO \_\_\_\_\_

’516 Patent, claim 1:    YES \_\_\_\_\_    NO \_\_\_\_\_

’516 Patent, claim 6:    YES \_\_\_\_\_    NO \_\_\_\_\_

’516 Patent, claim 9:    YES \_\_\_\_\_    NO \_\_\_\_\_

’516 Patent, claim 21:    YES \_\_\_\_\_    NO \_\_\_\_\_

’516 Patent, claim 22:    YES \_\_\_\_\_    NO \_\_\_\_\_

'516 Patent, claim 29: YES \_\_\_\_\_ NO \_\_\_\_\_

'172 Patent, claim 1: YES \_\_\_\_\_ NO \_\_\_\_\_

Configuration No. 3: Core S3 Procurement System (Lawson System Foundation

("LSF")/Process Flow, with at least Inventory Control, Requisition, and Purchase Order

Modules) with Requisition Self-Service or "RSS" and Punchout

'683 Patent, claim 3: YES \_\_\_\_\_ NO \_\_\_\_\_

'683 Patent, claim 26: YES \_\_\_\_\_ NO \_\_\_\_\_

'683 Patent, claim 28: YES \_\_\_\_\_ NO \_\_\_\_\_

'683 Patent, claim 29: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 1: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 2: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 6: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 9: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 21: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 22: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 29: YES \_\_\_\_\_ NO \_\_\_\_\_

'172 Patent, claim 1: YES \_\_\_\_\_ NO \_\_\_\_\_

Configuration No. 4: Core S3 Procurement System (Lawson System Foundation("LSF")/Process Flow, with at least Inventory Control, Requisition, and Purchase OrderModules) with Electronic Data Interchange or "EDI"

'683 Patent, claim 26: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 1: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 6: YES \_\_\_\_\_ NO \_\_\_\_\_

Configuration No. 5: Core S3 Procurement System (Lawson System Foundation("LSF")/Process Flow, with at least Inventory Control, Requisition, and Purchase OrderModules) with Requisition Self-Service or "RSS", Punchout, and Electronic Data Interchange or  
"EDI"

'683 Patent, claim 3: YES \_\_\_\_\_ NO \_\_\_\_\_

'683 Patent, claim 26: YES \_\_\_\_\_ NO \_\_\_\_\_

'683 Patent, claim 28: YES \_\_\_\_\_ NO \_\_\_\_\_

'683 Patent, claim 29: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 1: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 2: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 6: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 9: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 21: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 22: YES \_\_\_\_\_ NO \_\_\_\_\_

'516 Patent, claim 29: YES \_\_\_\_\_ NO \_\_\_\_\_

'172 Patent, claim 1: YES \_\_\_\_\_ NO \_\_\_\_\_

## II. VALIDITY

(As to each claim, a “YES” answer is a finding for Lawson. A “NO” answer is a finding for ePlus.)

1. Do you find that Lawson has proven by clear and convincing evidence that claim 3 of the ‘683 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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2. Do you find that Lawson has proven by clear and convincing evidence that claim 26 of the ‘683 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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3. Do you find that Lawson has proven by clear and convincing evidence that claim 28 of the ‘683 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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4. Do you find that Lawson has proven by clear and convincing evidence that claim 29 of the '683 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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5. Do you find that Lawson has proven by clear and convincing evidence that claim 1 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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6. Do you find that Lawson has proven by clear and convincing evidence that claim 2 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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7. Do you find that Lawson has proven by clear and convincing evidence that claim 6 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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8. Do you find that Lawson has proven by clear and convincing evidence that claim 9 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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9. Do you find that Lawson has proven by clear and convincing evidence that claim 21 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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10. Do you find that Lawson has proven by clear and convincing evidence that claim 22 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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11. Do you find that Lawson has proven by clear and convincing evidence that claim 29 of the '516 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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12. Do you find that Lawson has proven by clear and convincing evidence that claim 1 of the '172 patent is invalid?

Check one: YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, list the prior art reference(s) that you have found invalidate(s) the claim:

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**INSTRUCTION: CONTINUE AND SIGN VERDICT FORM ON NEXT PAGE**



You each must sign this Verdict Form.

Dated: \_\_\_\_\_

\_\_\_\_\_  
FOREPERSON

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Respectfully submitted,

Dated: January 19, 2011

/s/

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**CERTIFICATE OF SERVICE**

I certify that on this 19th day of January, 2011, I will electronically file the foregoing **PLAINTIFF ePLUS INC.'S SECOND REVISED PROPOSED VERDICT FORM** with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

Daniel McDonald, *pro hac vice*  
William D. Schultz, *pro hac vice*  
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